

The following amendments are hereby moved from the category of Public Safety to the category of State Administration: 3, 26, 31, 40, 44, 67, 83, 104, 121, 129, 135, 146, 208, 212, 254, 257, 258, 266, 267, 268, 269, 271, 344, 456, ~~488~~, ~~489~~, ~~490~~, 521, 532, 534, 541, 578, 589, 590, 644, 651, ~~653~~, 685, 686, 701, 708, 721, 771, 779, 789, 790, 791, 810, 849, 851, 873, 894, 919, 928, 943, 995.

Amendment 857 is hereby moved from the category of State Administration to the category of Economic Development.

Amendment 89 is hereby moved from the category Legislation, Non-budgetary to the category of State Administration.

Mr. Rogers of Norwood, and other members move to consolidate the following amendments: 3, 26, 27, 31, 38, 40, 44, 59, 67, 83, 89, 104, 112, 121, 129, 134, 135, 136, 146, 196, 197, 208, 212, 215, ~~222, 223, 224~~, 234, 253, 254, 257, 258, 266, 267, 268, 269, 271, 281, 299, 334, 341, 342, 344, 379, 383, 400, 437, 439, 456, ~~488~~, ~~489~~, ~~490~~, 500, 514, 519, 520, 521, 532, 534, 540, 541, 543, 547, 548, 556, 567, 578, 588, 589, 590, ~~594, 595~~, 596, 644, 651, 653, 665, 666, 682, 685, 686, 696, 701, 708, 721, 771, 779, 789, 790, 791, 810, ~~816 (no amendment)~~, 845, 846, 847, 849, 851, 873, 888, ~~892~~, 894, 897, 919, 928, 943, 948, 964, 995 and 1020. And hereby move that H.4000 be amended by striking out item 1108-5200 in its entirety and inserting in place thereof the following item:—

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1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2004; provided, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the general fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for such charges shall be credited to the general fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as

authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall be 80 per cent of such premiums and rates; provided further, that the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities who are hired after January 1, 2004 shall be 75 per cent of such premiums and rates; provided further, that notwithstanding chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; provided further, that the commission shall issue at the request of the beneficiary a separate identification number for enrollment and benefit purposes instead of the social security number; and provided further, that said commission shall complete and submit to the house and senate committees on ways and means a study no later than January 1, 2004 on the feasibility and costs associated with phasing-out the 80 per cent contribution rate and returning to the 85 per cent contribution rate by July 1, 2006 \$749,578,507

and move further to amend the bill in section 2, in item 0340-0400, in line 7, by inserting after the word "prosecuted" the following words:—""; provided further, that \$75,000 may be expended for financial criminal investigations"

and move further to amend the bill in section 2, in item 0340-1000, in line 3, by inserting at the end thereof the following words:—""; and provided further, that \$20,000 may be expended for the Cape and Islands Child Advocacy Center"

and move further to amend the bill in section 2, in item 7006-0020, in line 17, by inserting after "regulates" the following:—

"except for licensed business entity producers,"

And move further to amend the bill by striking out in section 2 item 7006-0100.

And move to further amend the bill in section 2, by inserting after item 0610-0000 the following item:—

"0610-0050 For the administration of the alcoholic beverages control commission in its efforts to regulate and control the conduct and condition of traffic in alcoholic beverages; provided further that said commission shall maintain at least one chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further that said commission is authorized and directed to work and cooperate with the Alcohol, Tobacco, and Firearms division of the United States Department of Justice and other relevant federal agencies to assist in its effort to regulate and control the traffic of alcoholic beverages; and provided further that said commission is directed to seek out matching federal dollars and to apply for federal grants that may be available to assist in the enforcement of laws pertaining to the traffic of alcoholic beverages \$1,766,478

and move further to amend the bill in section 2, by striking out item 1100-1103 and inserting in place thereof the following item:—

1100-1103 For the operation of the office of dispute resolution; provided, that not less than \$40,000 shall be expended for the north shore community mediation program in Salem; provided further that \$44,337 shall be expended for the north central court service, Inc program; provided further that \$65,000 shall be expended for the metropolitan mediation services program; provided further that \$49,500 shall be expended for the community dispute settlement center, Inc program of Cambridge; provided further that \$49,500 shall be expended for the Somerville mediation program; provided further that \$29,558 shall be expended for Berkshire mediation services, Inc; and provided further, that \$25,863 shall be expended for the Housing services and mediation program operated by the Berkshire county regional housing authority \$413,758

and move further to amend the bill in section 2, in item 8000-0040, by striking out the figures "\$38,773,786" and inserting in place thereof the following figures:— "\$45,656,515"

and move further to amend the bill in section 2, in item 8100-0000, in line 18, by striking the words "any community receiving earmarked funds in fiscal year 2003" and inserting in place thereof the following words:— "any community that was selected to receive earmarked funds in fiscal year 2003"

and move to further amend the bill in section 2, in item 8324-0000, in line 7, by inserting after the word "insurance" the following words:—"; provided further, that not less than \$100,000 be expended for the administration of a statewide program to provide critical incident stress intervention for the cities, towns, and fire districts of the commonwealth"

and move to further amend the bill in section 2, in item 8400-0001 by striking the item and inserting in place thereof the following:—

8400-0001 For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of the

registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that such record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall have an employee or other such person answering all initial incoming telephone calls at the customer phone information center between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; provided further, that said registry shall submit a report to the house and senate committees on ways and means not later than April 1, 2004 detailing the steps taken and the resultant change in customer service; provided further, that the registry shall operate an office in the city of Fall River; provided further, that the registry shall operate an office in the city of Taunton; and provided further, that funds appropriated herein shall be expended for the costs associated with the implementation of chapter 228 of the acts of 2000 \$47,446,162

Highway Fund 100.00%

and move further to amend the bill in section 2 by inserting after item 8400-0001 the following item:—

8400-0016 For the operation of the motorcycle safety program \$185,691

and move to further amend the bill in section 2, by striking item 8900-0001, and inserting in place thereof the following:—

8900-0001 For the operation of the commonwealth's department of correction; provided, that the department shall expend not less \$997,000 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza-Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further that before closing any correctional facility, the Commissioner of Corrections and the Secretary of Public Safety shall report to the Committees on Ways and Means and Public Safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved. The Commissioner of Corrections and the Secretary of Public Safety shall report to the Committees on Ways and Means and Public Safety before January 1 of each year the point score compiled by the Department of Correction's objective classification system for all prisoners confined in each prison operated by the Department. The report shall be for a particular date and shall not include prisoners' names; and provided further, that not less than \$40,000 shall be provided for the Dismas House, so called \$427,505,435

and further move to amend the bill in section 2, by striking in item 8910-0188, in line 2, the figures "\$650,000" and inserting in place thereof the following figures:— "\$1,200,000"

and move to further amend the bill in section 2, in item 8910-0619, by striking out the figures "\$39,014,292" and inserting in place thereof the following figures:— "\$39,114,292"

and move to further amend the bill in section 2, in item 8910-0445, in line 3 by inserting after the word "operations" the following words:—" , and other law enforcement law enforcement related activities, including the Berkshire County Sheriff prison industries program"

and move to further amend the bill in section 2 in item 8324-0000 b y inserting at the end there of the following:— provided further, that the department shall complete a feasibility study for a new fire station for the city of Springfield Fire Department at the intersection of Bay Street and Berkshire Avenue

and move to further amend the bill by amending section 443 by striking the date "July, 1, 2002" and inserting in place thereof the following date:— "August 1, 2002"

and move further that the bill be amended by adding at the end thereof the following section:—
SECTION. Section 2 of chapter 184 of the acts of 2003 is hereby amended in item 8000-0010, in line 217, by striking the words "of the award to Saugus"

and move to further amend the bill by adding at the end thereof the following sections:—

SECTION 148A. Subsection (1) of section 5 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out paragraph (e).

SECTION . Notwithstanding any general or special law to the contrary, pension contributions rates for employees in Group 1, 2, and 4 hired after January 1, 2004 shall be 12 per cent. Pension contributions rates employees in Group 3 hired after January 1, 2004 shall be 14 per cent.

SECTION . Notwithstanding any general or special law to the contrary, the executive office of administration and finance in cooperation with the executive office of environmental affairs and the department of environmental protection, shall meet its obligations under the biosolids improvement project for the Greater Lawrence Sanitary District by June 30, 2006;

SECTION____. (A) Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the state board of retirement, established under section 18 of chapter 10 of the General Laws, shall establish and implement a retirement incentive for public employees, hereinafter referred to as the retirement incentive program, in accordance with this act. In order to be deemed eligible by said board for any of the benefit options under the retirement incentive program, an employee: (i) shall be an employee of the commonwealth on the effective date of this act; (ii) shall be a member in active service of the state retirement system on the effective date of this act; (iii) shall be classified in Group 1 of said retirement system in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32; (iv) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the date of

retirement requested in his written application for retirement with said board; (v) shall have received his pay advices via the commonwealth's human resources compensation management system or the University of Massachusetts' human resources management information system; and (vi) shall have filed a written application with the board in accordance with paragraph (b) of this section.

The total number of eligible employees who may receive the benefit of the retirement incentive program shall be limited to 5,000. Employees with a greater number of years of creditable service on the effective date of this act shall be approved by the state retirement board before approval may be given to employees with a lesser number of years of creditable service on the effective date of this act. Notwithstanding the provisions of any general or special law to the contrary, or any provisions of this act to the contrary, employees whose regular compensation is funded from federal, trust or capital accounts, pursuant to chapter 29 of the General Laws, shall not be eligible to receive the benefit. The application filed for retirement under this act may be delivered in person or by mail to the state board of retirement. No employee shall be eligible for more than 1 of the incentives offered in this act and no employee may become eligible for 1 incentive by virtue of the application of a different incentive.

Notwithstanding the limit of 5,000 employees eligible to receive the retirement incentive program benefit, an employee eligible pursuant to the criteria established in this section who entered the service of the commonwealth before January 1, 1975 and has 5 per cent of his regular compensation withheld in accordance with clause (i) of paragraph (b) of subdivision (1) of section 22 of chapter 32 of the General Laws shall be eligible to receive the benefit of the retirement incentive program. Notwithstanding the limit of 5,000 employees eligible to receive the retirement benefit, an employee eligible pursuant to the criteria established in this section who entered the service of the commonwealth on or after January 1, 1975 but before January 1, 1984 and has 7 per cent of his regular compensation withheld in accordance with clause (ii) of said paragraph (b) of said subdivision (1) of said section 22 of said chapter 32 shall be eligible to receive the benefit of the retirement incentive program.

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with this act shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32.

Employees of the judiciary and elected officials shall not be eligible to participate in the retirement incentive program.

(B) Notwithstanding any provision of section 5 of chapter 32 of the General Laws that requires a retirement date within 4 months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, except as otherwise provided in this section, shall file his application for retirement with the state board of retirement after July 15, 2003 and not later than August 15, 2003. The retirement date requested shall be August 29, 2003, except for employees of the state board of retirement for whom the retirement date requested shall be January 31, 2004.

To ensure the successful completion of the academic year, employees of the University of Massachusetts and employees of state and community colleges shall file their applications for retirement within the period required in this section, but the retirement date requested shall be December 31, 2003. The president of the University of Massachusetts and the chancellor of higher education may identify job titles which may elect to retire earlier than December 31, 2003. Said president and said chancellor shall each file a complete list of titles and corresponding job title codes with the state board of retirement not later than January 15, 2003, but no retirement shall be effective earlier than August 29, 2003.

(C) An employee who is eligible for the retirement incentive program may request in his application for retirement that the state board of retirement credit him with an additional retirement benefit in accordance with this section. Each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than 5 years, for the purposes of determining his superannuation retirement allowance pursuant to paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws.

Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with said section 5 of said chapter 32, of any employee who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of his regular compensation as determined in accordance with said section 5 of said chapter 32.

(D) For a married employee who retires and receives an additional benefit under this act, an election of a retirement option under section 12 of chapter 32 of the General Laws shall not be valid unless (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected; or (ii) a certification by the state board of retirement that the spouse has received notice of such election as provided in this section. If a member who is married files an election which is not signed by the spouse, the state board of retirement shall notify the member's spouse within 15 days by registered mail of the option election and the election shall not take effect until 30 days after the date on which the notification was sent, any such election may be changed by the member at any time within 30 days or at any other time permitted under said chapter 32. Nothing in this section shall affect the effective date of any retirement allowance but, in the event of any election having been filed which is not so accompanied, the payment of any allowance so elected shall not be commenced earlier than 30 days after the state board of retirement sends the required notice.

(E) The state board of retirement shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the retirement incentive program. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by this act; (ii) a comparison of the expected lifetime retirement benefits payable to an employee under the retirement incentive program and under the existing chapter 32 of the General Laws; (iii) the election of a retirement option under section 12 of said chapter 32; (iv) the restrictions on employment after retirement; (v) the laws relative to the payment of cost-of-living adjustments to the retirement allowance; and (vi) the effect of federal and state taxation on retirement income. The group insurance commission shall provide counseling about the provision of health care benefits under chapter 32A of the General Laws.

Each such employee shall sign a statement that he has received the counseling or that he does not want to receive the counseling prior to the approval by the state board of retirement of such employee's application for superannuation benefits and the additional benefit provided by this act.

Pursuant to section 98 of said chapter 32, the state treasurer may make advance payments in an amount not to exceed any retirement allowance actually due to an employee who is eligible for and who has filed an application for retirement under the retirement incentive program and who does not receive a retirement allowance within 90 days after submitting a retirement application, during such period as is necessary for the processing of the application for retirement.

(F) The secretary of administration and finance may fill an executive branch position vacated as a result of an applicant's participation in the retirement incentive program if said secretary determines that the position is vital to the public health, public safety or other critical operations of the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the executive branch shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the executive branch pursuant to the retirement incentive program had such positions not been vacated; provided, further, that the total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2005 for refilled positions in the executive branch shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2005 for the positions vacated in the executive branch pursuant to the retirement incentive program had such positions not been vacated.

(G) The comptroller, in conjunction with the state board of retirement, shall certify to the house and senate committees on ways and means by September 26, 2003 the total value of compensation of the last pay period prior to August 29, 2003, by line item, of each individual that has enrolled in the retirement incentive program.

(H) Notwithstanding any general or special law to the contrary, no person shall be hired by a state agency, as defined in section 1 of chapter 6A of the General Laws, on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after August 29, 2003 until June 30, 2005. If the secretary of administration and finance determines that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, said secretary shall include the position in a schedule which shall include: (i) the classification title of each position; (ii) the item of appropriation in which the position is funded; (iii) the number of positions listed in the schedule with such title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of August 29, 2003 to June 30, 2005, inclusive, that said secretary shall have determined that the position shall be filled. Said secretary shall prepare 1 or more supplementary schedules in the same form if he shall determine that a supplementary schedule shall be necessary. The schedule shall be filed with the house and senate committees on ways

and means and said secretary may fill any such positions before June 30, 2005 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in state agencies shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in state agencies pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2005 for refilled positions in state agencies shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2005 for the positions vacated in state agencies pursuant to the retirement incentive program had such positions not been vacated.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to paragraph (i).

(I) The secretary of administration and finance shall list each position made vacant by the retirement of an employee from a state agency, as defined in section 1 of chapter 6A of the General Laws, receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than September 12, 2003 and shall supplement the list as may be deemed necessary through June 30, 2005. For each such position, the list shall include the item of appropriation from which the position is funded, the name of the state agency, as defined in said section 1 of said chapter 6A, which is funded by such item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions were refilled, the date on which they were refilled and the annual salary of each refilled position.

(J) Notwithstanding any general or special law to the contrary, no person shall be hired by a state or community college in the system of public institutions of higher education, as defined in section 5 of chapter 15A of the General Laws, but excluding the University of Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester, on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after August 29, 2003 until June 30, 2005. If it is determined that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, the board of higher education shall include the position in a schedule which shall include: (i) the classification title of each position; (ii) the item of appropriation in which the position is funded; (iii) the number of positions listed in the schedule with the title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of August 29, 2003 to June 30, 2005, inclusive, that it is determined that the position shall be filled. Said board shall prepare 1 or more supplementary schedules in the same form if said board shall determine that a supplementary schedule shall be necessary. The

schedule shall be filed with the house and senate committees on ways and means and the positions may be filled before June 30, 2005 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the state and community colleges shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the state and community colleges pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2005 for refilled positions in the state and community colleges shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2005 for the positions vacated in the state and community colleges pursuant to the retirement incentive program had such positions not been vacated.

The board of higher education shall not create a position title or similar position title within the same item of appropriation as those contained in the list filed pursuant to paragraph (K) of this section, before June 30, 2005.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to paragraph (k).

(K) The board of higher education shall list each position made vacant by the retirement of an employee of a state or community college in the system of public institutions of higher education, as defined in section 5 of chapter 15A of the General Laws, but excluding the University of Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester, receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than September 12, 2003 and shall supplement the list as may be deemed necessary through June 30, 2005. For each such position, the list shall include the item of appropriation from which the position is funded, the name of the public institution in the system of higher education, as defined in said section 5 of said chapter 15A, which is funded by such item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions have been refilled, the date on which they were refilled and the annual salary of each refilled position.

(L) Notwithstanding any general or special law to the contrary, no person shall be hired by a division of the University of Massachusetts on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after August 29, 2003 until June 30, 2005. If it is determined that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, the board of trustees of the University of Massachusetts shall include such position in a schedule which shall include: (i) the classification title of each

position; (ii) the item of appropriation in which the position is funded; (iii) the number of positions listed in the schedule with the title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of August 29, 2003 to June 30, 2005, inclusive, that it is determined that the position shall be filled. Said board shall prepare 1 or more supplementary schedules in the same form if said board shall determine that a supplementary schedule shall be necessary. The schedule shall be filed with the house and senate committees on ways and means and such positions may be filled prior to June 30, 2005 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees; provided, that the total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the University of Massachusetts shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the University of Massachusetts pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2005 for refilled positions in the University of Massachusetts shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2005 for the positions vacated in the University of Massachusetts pursuant to the retirement incentive program had such positions not been vacated.

The board of trustees or the president of the University of Massachusetts shall not create any position title or similar position title within the same item of appropriation as those contained in the list filed pursuant to paragraph (m) of this act, before June 30, 2005.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to paragraph (m).

(M) The board of trustees of the University of Massachusetts shall list each position made vacant by the retirement of an employee of any division of the University of Massachusetts receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than September 12, 2003 and shall supplement the list as may be deemed necessary through June 30, 2005. For each such position, the list shall include the item of appropriation from which the position is funded, the name of the public institution in the system of higher education, as defined in section 5 of chapter 15A of the General Laws, which is funded by item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions were refilled, the date on which they were refilled and the annual salary of each refilled position.

(N) The Massachusetts Water Resources Authority established pursuant to chapter 372 of the acts of 1984, as amended, may elect to participate in the retirement incentive program by a majority vote of its board of directors, which vote shall occur not later than April 1, 2004. Eligibility for the retirement incentive program shall not exceed that provided in section 1 of this act as applied to the circumstances said authority. Said authority may restructure the retirement incentive program at its discretion but the benefit received by a retiree shall not exceed the retirement benefits provided in section 3. The effective retirement date for employees of the

Massachusetts Water Resources Authority shall be not earlier than the effective date of this act and not later than June 30, 2004.

(O) The executive director of the public employee retirement administration commission shall analyze, study and evaluate the costs and actuarial liabilities attributable to the additional benefits payable in accordance with this act. Said commission shall file a report with the secretary of administration and finance, the joint committee on public service and the house and senate committees on ways and means on or before December 31, 2003.

(P) A state agency with an employee opting into the retirement incentive program under this act shall submit to the house and senate committees on ways and means a report detailing the amounts of sick and vacation time accrued for each such employee.

(Q) Notwithstanding any general or special law or any collective bargaining agreement or other employment contract to the contrary and in consideration of the benefits conferred in this act, an employee who elects to retire under this act and is eligible to receive a payment in lieu of accrued vacation time, unused sick leave or other benefit under such agreement or contract shall waive the required remittance of that payment within 30 days and shall receive 1/5 of such payment on July 1, 2004, 1/5 of such payment on July 1, 2005, 1/5 of such payment on July 1, 2006, 1/5 of such payment July 1, 2007, and 1/5 of such payment July 1, 2008. Each such employee shall sign a statement that he has agreed to receive 1/5 of such payment on July 1, 2004, 1/5 of such payment on July 1, 2005, 1/5 of such payment July 1, 2006, 1/5 of such payment July 1, 2007, and 1/5 of such payment on July 1, 2008 prior to the approval by the state board of retirement of the employee's application for superannuation benefits and the additional benefit provided by this act. The state board of retirement shall deny an application for early retirement under this act by an employee who belongs to a bargaining unit for which a collective bargaining agreement inconsistent with this section is in effect at the time of that application, unless the employee organization representing that employee has filed with said board and with the secretary of administration and finance a statement waiving any such inconsistent provision of the agreement on behalf of all members of the bargaining unit who file applications under this act.

(R) On or before March 1, 2004, the secretary of administration and finance shall file with the joint committee on public service and the house and senate committees on ways and means a report detailing the number of employees participating in the retirement incentive program, the estimated salary savings in fiscal years 2004 and 2005 as a result of such employees' participation, the number of positions vacated or expected to be vacated as a result of such employees' participation that have been or are expected to be refilled and the estimated salary costs in fiscal years 2004 and 2005 on account of such refilled positions.

and move to further amend the bill by inserting after section 19A the following section:-

SECTION 19B. Said Paragraph (4) of said section 54 of said chapter 7 of the general laws, as amended by this act, is hereby further amended by adding at the end thereof the following:-

; provided, however, that with respect to any proposed privatization contract whereby a non-governmental person or entity seeks to provide services currently provided by the employees of the Massachusetts Bay Transportation Authority, the comprehensive written estimate required by this paragraph shall be an estimate of the costs of regular authority employees providing the subject services in the most cost-efficient manner.

and move to further amend the bill by adding at the end thereof the following section:-

SECTION . Section 19B of this act shall expire on June 30, 2005.

and move to further amend the bill by striking out section 455 and inserting in place thereof the following:-

SECTION 455. Notwithstanding any general or special law to the contrary, sections 52 through 55, inclusive, of chapter 7 of the general laws shall not apply to the division of capital asset and management and the bureau of state office buildings during fiscal years 2004 and 2005; provided, however, that any agreement or combination or series of agreements entered into by the, the division of capital asset and management and the bureau of state office buildings during said fiscal year by which a non-governmental person or entity agrees to provide services to said division or bureau or any other agency or department for which said department or bureau has agreed to provide facilities management services that are specifically authorized, valued at one hundred thousand dollars or more, which are substantially similar to and in lieu of, services theretofore provided, in whole or in part, by regular employees of said division or bureau or any agency or department for which said department or bureau has agreed to provide facilities management services that are specifically authorized shall not be for a term to exceed 2 calendar years. On or before July 15, 2004, said division and bureau shall separately file a report with the secretary of administration of finance and the house and senate committees on ways and means detailing the number and nature of any such agreements entered into by said division and bureau during fiscal year 2004. Said report shall include, but not be limited to, the following: (1) a written statement of the services to be the subject of the agreement(s) entered into, including the specific quantity and standard of quality of the subject services (2) the term of the agreement(s) (3) the estimated cost of the services to be provided over the term of the agreement and (4) the current cost to the commonwealth for the provision of said services as said services are provided by regular employees of said division or bureau or any agency or department for which said department or bureau has agreed to provide facilities management services that are specifically authorized of said division or bureau.

On or before August 15, 2005, said division and bureau shall separately file a report with the secretary of administration of finance and the house and senate committees on ways and means which shall include, but not be limited to the following: (1) a comprehensive written analysis of the actual cost to the commonwealth that was incurred from said agreements during the term of said agreements, specifically including the costs of transition from public to private operation, of additional unemployment and retirement benefits, if any, and of monitoring and otherwise administering contract performance; (2) a comparison of said actual cost to the prior actual cost of the provision of the same services as previously provided by the regular agency employees that most recently provided said services and (3) a comprehensive written analysis of the quality of the services that were provided by the entity during the term of the agreement(s)

and whether said quality, in the opinion of said division or bureau fell short of equaled, or surpassed the level of quality which was provided by the regular agency employees that previously provided said services.

and move to further amend the bill in section 469 by striking the figure "2004" and inserting in place thereof the following:- 2005

And move to further amend the bill by adding at the end thereof the following sections:

SECTION _____. Employees who are performing any functions transferred between department or agencies pursuant to this act shall be transferred to the receiving department/agency without impairment of wages, seniority, collective bargaining, civil service status and any other rights.

SECTION _____. Notwithstanding the provision of any general or special law to the contrary, any state or ^{city} municipal employee who is requested, required or volunteers to participate in a furlough plan offered, requested or required by that employee's employer shall receive the full retirement or pension benefits that would have accrued to that employee had the employee not participated in the furlough program.

And move further to amend the bill by striking out section 4 in its entirety.

And move to further amend the bill by inserting at the end thereof the following section:—

SECTION . Section 1F of chapter 425 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 12 the words "retained revenue account established by the department and used for nuclear power plant environmental monitoring activities" and inserting in place thereof the following "the Radiation Control Trust account".

And move to further amend the following section

SECTION XX. Chapter 161B of the General Laws is hereby amended by adding the following new section:—

SECTION 11. If at any time any principal or interest is due or about to come due on any bond or note issued by the authority for net cost of service payments owed to the authority by the commonwealth or by the authorities municipal members, and funds to pay the same are not available, the administrator shall certify to the state treasurer the amount required to meet such obligations and the commonwealth shall thereupon pay over to the authority the amount so certified, subject to appropriation.

Mr. Toomey of Cambridge and Mr. Fagan of Taunton move to further amend the consolidated amendment offered by Mr. Rogers of Norwood by adding at the end thereof the following sections:

SECTION ____ Chapter 6 of the Massachusetts General Laws, as appearing in the 2000 official edition is hereby amended by striking out sections 43, 44 and 45.

SECTION 470 Chapter 10 of the Massachusetts General Laws, as appearing in the 2000 official edition is hereby amended by adding at the end thereof the following sections:

Section 64. There shall be a commission to be known as the alcoholic beverages control commission, to consist of a commissioner and two associate commissioners appointed by the treasurer. Not more than two members shall be members of the same political party. The commissioner and one associate commissioner shall serve terms coterminous with that of the treasurer. One associate commissioner shall serve a four-year term. The commissioner shall serve as chairman and shall devote his full time during business hours to his official duties. The positions of commissioner and associate commissioners shall be classified in accordance with section forty-five of chapter thirty and the salaries shall be determined in accordance with section forty-six C of said chapter thirty. Any vacancy may be filled in like manner for the remainder of the unexpired term. The treasurer may remove any member for neglect of duty, misconduct, or malfeasance in office, after providing said member a written statement of the charges and an opportunity to be heard thereon. Two members shall constitute a quorum for the purpose of conducting the business of the commission. A vacancy shall not impair the right of the remaining members to exercise the powers of the commission.

Section 65. The commission shall have general supervision of the conduct of the business of manufacturing, importing, exporting, storing, transporting and selling alcoholic beverages as defined in section one of chapter one hundred and thirty-eight and also of the quality, purity and alcoholic content thereof.

The commission shall submit to the governor, the state treasurer and to the general court as soon as may be after the end of each state fiscal year a full report of its action and of the conduct and condition of traffic in alcoholic beverages during such year, together with recommendations for such legislation as it deems necessary or desirable for the better regulation and control of such traffic and for the promotion of temperance in the use of such beverages. The members shall receive their necessary traveling and other expenses incurred while in the performance of their official duties.

Section 66. The commission may appoint and remove a secretary. It may expend for such investigators, clerical, and other assistants as may be necessary for the performance